

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42704 of 2018

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1. Md. Shakeel Haider, Son of Late Mahfooz Khan, resident of Mohalla-Lohartoli, Ward No. 20, P.O. & P.S.- Sherghati, District- Gaya.

2. Chanarik Paswan @ Chandrika Paswan, Son of Late Ram Das Paswan, resident of Village- Fatehpur (Palakia), Ward No. 14, P.O. & P.S.- Sherghati, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Nilesch Kumar

For the Opposite Party/s : Dr. Indiar Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-07-2018 The petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 178 of 2018, registered for offences punishable under Sections 409, 420 and 120-B/34 of the Indian Penal Code.

Allegation against the petitioners that they without following the rules and regulation issued the tender for L.E.D and dustbins without mentioning the numbers of articles and even e-tendering was not done. Further advance of 5% was not taken and articles received were not entered in to the stock register and the said tender was not issued through PRDA and the articles received from the firm was also not approved by BIS, thus caused misappropriation of Government money.



Submission of learned counsel for the petitioners, who happens be the Vice Chairman and Chairman of Sherghati Nagar, Panchayati, is that no allegation has been attributed against the them rather the allegation is against Chief Executive Officer of Sherghati Nagar Parishad as the process of the process of issuance of tender or sale-purchase of the articles in question is being done by the Chief Executive Officer of Sherghati Nagar Parishad and petitioners are in no way concerned with the above allegation.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, in connection with Sherghati P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable



property within the jurisdiction of the concerned Court.

- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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